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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,140	03/26/2004	Raymond Edward Clark	2003-0155.02	8849

21972 7590 07/26/2007  
LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
740 WEST NEW CIRCLE ROAD  
BLDG. 082-1  
LEXINGTON, KY 40550-0999

EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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07/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10810140	3/26/04	CLARK ET AL.	2003-0155.02

LEXMARK INTERNATIONAL, INC.  
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**EXAMINER**

Stephen M. Brinich

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2625

20070718

**DATE MAILED:**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

<b>Office Action Summary</b>	Application No. 10/810,140	Applicant(s) CLARK ET AL.	
	Examiner Stephen M. Brinich	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1,2,9 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 3-8,10-14 and 18-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/04, 12/6/04</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 9, & 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kujirai (US 2001/0050781).

Re claims 1-2, 9, & 16-17, Kujirai discloses (paragraphs 0075-0076; Figure 16) a method for processing print jobs in a printer in which a display list with a plurality of objects (print jobs) is constructed. These objects are subjected to various processings, including a COMBINE process that replaces a pair of objects with a single combined object.

Re claims 2, 9, & 17, the single combined object is readable upon the (not further defined) "masked index image".

Re claims 15-16, Kujirai discloses (Figure 1) that the printer graphics engine operates under the control of a computer having instructions stored in an accessible memory for performing this process.

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***Allowable Subject Matter***

3. Claims 22-23 are allowed.

4. Claims 3-8 10-14 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 3, 10, 13, 23, the art of record does not teach or suggest the recited indexed image in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 4 & 18, the art of record does not teach or suggest the recited determination of object opacity in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 5 & 18 (and dependent claim 6), the art of record does not teach or suggest the recited determination of object stencil configuration in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 7 & 18, the art of record does not teach or suggest the recited determination of object color intensity

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similarity in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 8 & 18, the art of record does not teach or suggest the recited determination of object halftone screen equivalence in conjunction with the recited replacing of two objects on a display list with a new object.

Re claim 10, the art of record does not teach or suggest the recited construction of a look-up table corresponding to masked indexed image values in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 11 & 21 (and dependent claim 12), the art of record does not teach or suggest the recited uni-dimensional conversion of a masked indexed image in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 14 & 19, the art of record does not teach or suggest the recited head and tail pointer setting to objects to be replaced in conjunction with the recited replacing of two objects on a display list with a new object.

Re claims 19-20 & 22, the art of record does not teach or suggest the recited bounding box construction in conjunction with the recited replacing of two objects on a display list with a new object.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakagiri et al and Tohki disclose additional examples of print queue item combination.

7. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.


Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

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Hand-carried correspondence may be delivered to the  
Customer Service Window, located at the Randolph Building, 401  
Dulany Street, Alexandria, VA 22314.

  
Stephen M Brinich  
Examiner  
Technology Division 2625

smb  
July 19, 2007